



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
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Determination of NEPA Adequacy (DNA)

Temporary Use Permit Authorizing Use of Land for Integrity Investigation of the Trans-Alaska Pipeline Near Pipeline Milepost 278.3

DOI-BLM-AK-9940-2010-0012-DNA

BLM Office: Office of Pipeline Monitoring

Tracking Number: DOI-BLM-AK-9940-2010-0012-DNA

BLM Case File No.: FF095722

Proposed Action Title: Temporary Use Permit Authorizing Use of Land for Integrity Investigation Near Pipeline Milepost 278.3

Location and Legal Land Descriptions of Proposed Action: The site is located along the Trans-Alaska Pipeline System (TAPS) at pipeline milepost (PLMP) 278.3 in T. 22 N., R. 14 W., Sec. 6, Fairbanks Meridian, Alaska.

Applicant: Alyeska Pipeline Service Company, P.O. Box 196660, MS 502, Anchorage, AK 99519-6660

A. Description of the Proposed Action and any applicable mitigation measures:

BLM is proposing the issuance of a Temporary Use Permit (TUP) to allow the use of land for activities related to the integrity investigation of the Trans-Alaska Pipeline near PLMP 278.3. The integrity investigation will include excavation to a depth which exposes the buried 48" pipeline and allows for safe operations for employees and equipment. The TUP will be issued for a work area encompassing approximately 1.2 acres.

The TUP would include permission to conduct dewatering, water quality monitoring and other short-term, non-intrusive activities related to the excavation. Off-Right-of-Way access to the site will be via foot, passenger vehicles, and small, rubber-tired or tracked equipment and include the placement of hoses, and other small, portable equipment.

Mitigation Measures:

1. The Temporary Use Permit (TUP) shall be subject to the terms, conditions and stipulations of the Agreement and Grant of Right-of-Way for the Trans-Alaska Pipeline between the United States of America and Amerada Hess Corporation., et. al. dated January 8, 2003, which became effective on January 22, 2004. It shall be provided, however, that in the event of a conflict, either express or implied, between any provisions of the Agreement and any provision of the TUP, such conflict shall be resolved in favor of this TUP.
2. Primary access shall be limited to the work pad and existing roads, unless specifically authorized in writing.
3. The TUP area limits shall be staked prior to commencement of surface disturbing activities.
4. The TUP area shall be restored according to the satisfaction of the Authorized Officer, as stated in writing.
5. Construction activities shall be conducted to minimize disturbance to existing vegetation.
6. Fuel storage is not allowed within the TUP area.
7. Temporary trash storage is not allowed in the TUP area. Waste materials will be removed from the TUP area to appropriate facilities on a regular basis.
8. The Authorized Officer may require that his authorized representative be on site during operations conducted under this TUP. The TUP holder will notify the Supervisory Program Administrator of the Valdez Field Station at 907-787-6701 during regular business hours at least 48 hours before beginning work on the project.
9. Alyeska shall inform and ensure compliance with these stipulations by its agents, employees, and contractors (including subcontractors at any level).
10. This TUP applies to lands under jurisdiction of the Bureau of Land Management.
11. If excavation dewatering is required, such activities shall prohibit permanent changes to natural drainage systems, avoid pollution or sedimentation of waters used by fish, and the site shall be restored to pre-project conditions.
12. Activities shall be conducted in such a manner as to not cause damage or disturbance to any historical or archaeological sites. The Antiquities Act (1906), Archaeological Resources Protection Act (1979), Federal Land Policy and Management Act (1976), and general United States property laws and regulations, all prohibit the appropriation, excavation, damage, or destruction of any historic or prehistoric ruin or monument, or any other object of antiquity situated on lands owned or controlled by the United States (16 USC 470; 16 USC 432; 43 U.S. 1733(a); 18 U.S.C. 1361; 18 U.S.C. 641; 43 CFR 8365.1). Such items include both prehistoric stone tools and sites, as well as historic log cabins, remnants of such structures,

refuse dumps, and other such features. Should any such site be discovered during the course of field operations, the permittee should avoid impacting such materials, and will immediately notify the Authorized Officer, who will contact a qualified cultural resource specialist to evaluate the discovery, take action to protect or remove the resource, and allow operations to proceed.

B. Land Use Plan (LUP) Conformance

Utility Corridor Resource Management Plan, U.S. Department of the Interior, Bureau of Land Management, January 1991.

1. The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decisions:

On page 2-1 the Utility Corridor RMP states, “No proposed management action presented in this chapter should be interpreted as limiting current or future energy transportation needs in the Utility Corridor. The need for the transportation of energy minerals supersedes all other uses of the Utility Corridor.”

On page 2-14 under the heading Land Use Authorizations: the RMP states, “Land use authorizations shall be issued only at fair market value and only for those uses that conform with BLM plans, policy, objectives, and resource management programs.”

On page 2-23 under the heading Rights-of-Way, the authorities and regulations for issuance of rights-of-way grants on public lands are referred to, specifically the Federal Land Policy and Management Act (FLPMA), the Mineral Leasing Act (MLA), and regulations under 43 CFR 2800 and 2880; and on page 2-24 under Proposed Action 19 of the Utility Corridor RMP, “. . . FLPMA leases on federal lands would be considered where environmentally feasible and compatible with management objectives.” Although Proposed Action 19 is not specific as to all of the authorities and types of authorizations which can be granted for land use, it can be inferred that authorizations issued under FLPMA, MLA, and the 43 CFR 2800 and 2880 regulations are included.

2. The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decisions (objectives, terms, and conditions):

N/A

C. Identify applicable NEPA documents and other related documents that cover the proposed action.

1. *Final Environmental Impact Statement, Renewal of the Federal Grant for the Trans-Alaska Pipeline System Right-of-Way*, U. S. Department of the Interior, Bureau of Land Management Joint Pipeline Office, BLM-AK-PT-03-005-2880-990, November 2002.

In 2002, the U.S. Department of Interior, Bureau of Land Management (BLM) completed a Final Environmental Impact Statement (FEIS) that identified and analyzed the probable direct, indirect, and cumulative environmental impacts associated with renewal of the TAPS Right-of-Way. The FEIS and the Record of Decision stated there were no probable significant adverse environmental impacts from the TAPS Right-of-Way authorization and continued operation and maintenance along TAPS for an additional 30 years. The FEIS also stated that external corrosion investigations (“digs”) of buried mainline pipe occur based on the data gathered from the surveillance and monitoring using remote instrument pigs which are periodically sent through the pipeline to gather data. Impacts from the repair “digs” are localized and of short duration. An estimated 15 digs will occur each year, increasing to 20 by the end of 2034.

2. Programmatic Environmental Assessment for TAPS Mainline Activities, U.S. Department of the Interior, BLM Joint Pipeline Office - AK-993-04-001, March 25, 2004.

An environmental assessment was completed to analyze and document activities that are frequently and routinely proposed by APSC to repair, protect, or inspect TAPS along the entire alignment. These activities are routine in nature, and do not typically pose impacts that require specific environmental assessment documentation. The environmental assessment resulted in a Finding of No Significant Impact (FONSI) that concluded an environmental impact statement was not required and the impact to the physical environment was not expected to be significant. The FONSI stated that routine pipeline maintenance activities that occurred within the existing right-of-way that require additional workspace off the right-of-way, but within the original temporary construction zone of the pipeline would not present an adverse environmental impact. This includes temporary activities to protect pipeline integrity, such as excavations for investigation and repair; staging areas for maintenance activities such as inspecting and repairing below ground valves; construction of dewatering ponds, brushing, and low water crossing; and placement of armoring materials in stream channels or along stream banks. The proposed action was not expected to result in undue or unnecessary environmental degradation and would not restrict subsistence activity or resources in compliance with Section 810 ANILCA. The environment would benefit by protecting the integrity and safety of the existing pipeline system and related facilities from corrosion and potential erosive forces.

3. Final Environmental Impact Statement, Proposed Trans-Alaska Pipeline, Prepared by a Special Interagency Task Force for the Federal Task Force on Alaskan Oil Development, U.S. Department of the Interior, 1972.

In 1972, the U.S. Department of Interior completed a Final Environmental Impact Statement (FEIS) that identified and analyzed the probable direct, indirect, and cumulative environmental impacts associated with the construction, operation and maintenance of the Trans-Alaska Pipeline System for the first 30-year term of the Right-of-Way Grant. The Record of Decision stated there were no probable significant adverse environmental impacts from the authorization of the TAPS Right-of-Way and the continued operation and maintenance along TAPS. This was the first comprehensive NEPA analysis document completed TAPS and the first EIS completed after passage of the National Environmental Policy Act in 1969.

D. NEPA Adequacy Criteria

1. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA documents? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA documents? If there are differences, can you explain why they are not substantial?

The proposed action is a feature of the actions previously analyzed in the *Programmatic Environmental Assessment for TAPS Mainline Activities*, U.S. Department of the Interior, AK-993-04-001, March 2004. The document specifically analyzed temporary activities to protect pipeline integrity, such as excavations for investigation and repair which is the current proposed action. The FONSI stated that routine pipeline maintenance activities that occurred within the existing right-of-way that require additional workspace off the right-of-way, but within the original temporary construction zone of the pipeline would not present an adverse environmental impact.

2. Is the range of alternatives analyzed in the existing NEPA documents appropriate with respect to the new proposed action, given current environmental concerns, interests, and resource values?

The range of alternatives is appropriate with respect to the current proposed action in all of the previously prepared NEPA documents listed above. The Programmatic EA resulted in a Finding of No Significant Impact and Decision Record signed March 26, 2004, that stated the Programmatic EA analyzed two alternative actions. The BLM also considered additional alternatives in the Renewal FEIS of November 2002 and the Proposed Trans-Alaska Pipeline FEIS of 1972. The Programmatic EA covered any maintenance activity of the pipeline and related facilities within the existing right-of-way that requires additional workspace off the right-of-way, but within the original temporary construction zone of the pipeline. During construction of TAPS, a temporary construction zone 300' wide for the pipeline and 450' wide at river crossings was authorized on public lands.

3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, and updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?

The Record of Decision for the TAPS Renewal FEIS states:

"Pursuant to the Endangered Species Act, the Fish and Wildlife Coordination Act, the Marine Mammal Protection Act and Essential Fish Habitat provision of the Magnuson-Stevens Fishery Conservation and Management Act, the BLM initiated consultation with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. Under Section 7 of the Endangered Species Act, the BLM prepared the Biological Evaluation of the Effects of Right-of-Way Renewal for the Trans-Alaska Pipeline System on Threatened and Endangered Species and

Designated Critical Habitat (Biological Evaluation), dated June 2002. The Biological Evaluation identified five species of concern within the action area: spectacled eider, Steller's eider, humpback whale, fin whale, and Steller sea lion. It found there was no designated critical habitat within the action area for the TAPS renewal. The Biological Evaluation concluded that the proposed action was not likely to adversely affect the five species or any critical habitat. The National Marine Fisheries Service and the Fish and Wildlife Service each concurred with BLM's determination that the proposed action would not adversely affect the species of concern. BLM prepared an Essential Fish Habitat analysis. The National Marine Fisheries Service concurred that the Essential Fish Habitat consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act have been satisfied and further concurred with BLM's determination that any short-term adverse effects on Essential Fish Habitat can be adequately avoided, minimized and mitigated by the conservation measures associated with the proposed action. "

Four species were listed as threatened or endangered after the referenced NEPA documents were published. The U.S. Fish and Wildlife Service listed as a threatened the following species: August 2005, the southwest Alaska distinct population segments (DPS) of the northern sea otter, *Enhydra lutris kenyoni*, habitat for the Alaska DPS of the northern sea otter is the Aleutian Islands, the Alaska Peninsula coast, and Kodiak Archipelago, critical habitat was designated in the Final Rule published October 8, 2009, in 74 FR 51987; and May 2008, the polar bear, *ursus maritimus*, habitat for the polar bear is on polar ice and coastal areas along the northern and northwestern coasts of Alaska, critical habitat has not been designated. The National Marine Fisheries Service listed as endangered the following species: March 2008, the North Pacific right whale, *Eubalaena japonica*, habitat for the North Pacific right whale is the Bering Sea, Gulf of Alaska, and North Pacific, critical habitat has been designated as 40° N to 60° N latitude; and October 2008, the Beluga whale, *Delphinapterus leucas*, habitat for the Beluga whale is Cook Inlet, critical habitat has not been designated. The proposed action is outside the habitat areas for the four species, so will not adversely affect the species.

4. Are the direct, indirect, and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA documents?

The direct and indirect impacts of the current proposed action do not deviate from the impacts identified in the existing NEPA documents. Site-specific impacts related to the current proposal were sufficiently analyzed in the previous NEPA documents. Activities that could result in obstruction of fish passage are to be reviewed by Alaska Department of Fish and Game under Title 16 for issuance of a Fish Habitat Permit.

5. Are the public involvement and interagency reviews associated with existing NEPA documents adequate for the current proposed actions?

The public involvement and interagency review associated with the existing NEPA documents are adequate for the current proposed action due to the following:

a. Public Involvement. The TAPS FEIS for Renewal underwent an exhaustive public involvement process. BLM enlisted all interested stakeholders in the renewal process, including government-to-government involvement with Alaska tribes, state and federal agencies that regulate TAPS activities, and special interest groups affected by TAPS activities. The entire renewal process, including all public hearings and meetings, received extensive coverage by newspaper, television, and radio media.

b. Interagency Review. During the TAPS Renewal EIS process, BLM coordinated closely with the State of Alaska, as well as all JPO State and Federal stakeholder agencies and other Federal land management agencies, including the U.S. Forest Service and the National Park Service. The TAPS FEIS for Renewal contains interagency reviews by the National Marine Fisheries Service and U.S. Fish and Wildlife, Alaska Region.

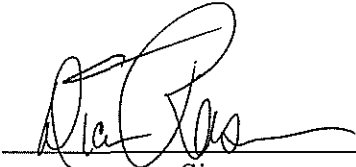
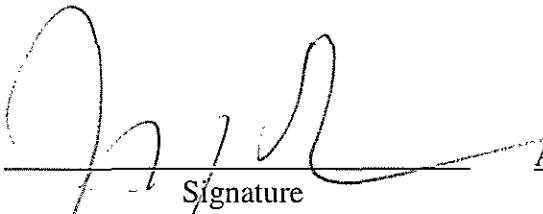
E. Persons/Agencies/BLM Staff Consulted

1. Diann Rasmussen, Realty Specialist, BLM Office of Pipeline Monitoring
2. Robin Mills, Archaeologist, Eastern Interior Field Office, Fairbanks, AK

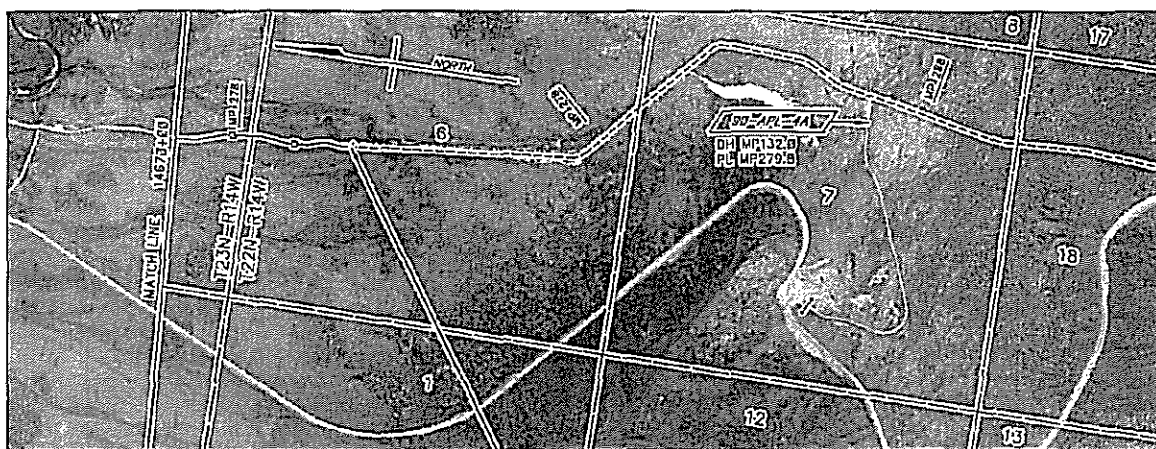
Note: Refer to the EA/EIS for a complete list of the team members participating in the preparation of the original environmental analysis or planning documents.

CONCLUSION

Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the requirements of the NEPA.

 _____ Signature	<u>Realty Specialist, BLM</u> Title	<u>July 29, 2010</u> Date
 _____ Signature	<u>Authorized Officer, BLM</u> Title	<u>7-30-10</u> Date

Note: The signed Conclusion on this Worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision. However, the lease, permit, or other authorization based on this DNA is subject to protest or appeal under 43 CFR Part 4 and the program-specific regulations.



G100 ALIGNMENT SHEET 51

LAND OWNER: USA

MERIDIAN: FAIRBANKS T22N R14W SECTION 6

LATITUDE: 66°45'53" LONGITUDE: -150°40'22"

ESTIMATED EXCAVATION VOLUME: 1,020 CY

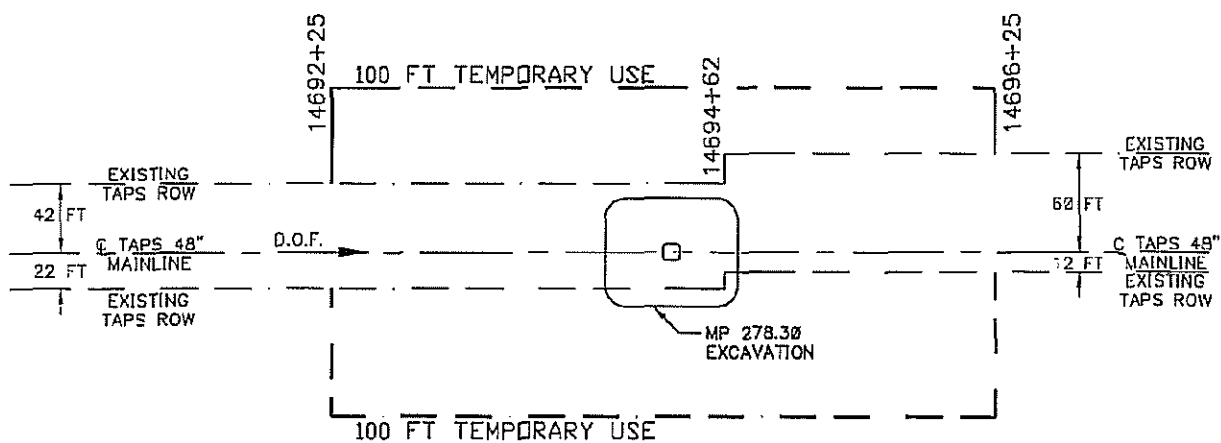
ESTIMATED EXCAVATION AREA: 0.09 AC.

MP 278.30

2000' 1000' 0 2000' 4000'



SCALE: 1" = 2300'

FOR PERMITTING
PURPOSES ONLY

PLAN

100' 50' 0 100' 200'



SCALE: 1" = 100'

NOTES:

1) ACTUAL DISCHARGE DIRECTION, LOCATION, SIZE AND NUMBER OF SETTLING PONDS TO BE FIELD-DETERMINED ACCORDING TO THE DEWATERING PLAN INSTRUCTIONS.

ALYESKA PIPELINE SERVICE CO.

F678 - 2010 PIPELINE ILI PIG INVESTIGATIONS
MP 278.30 PERMIT INFORMATION

TRANS ALASKA PIPELINE SYSTEM

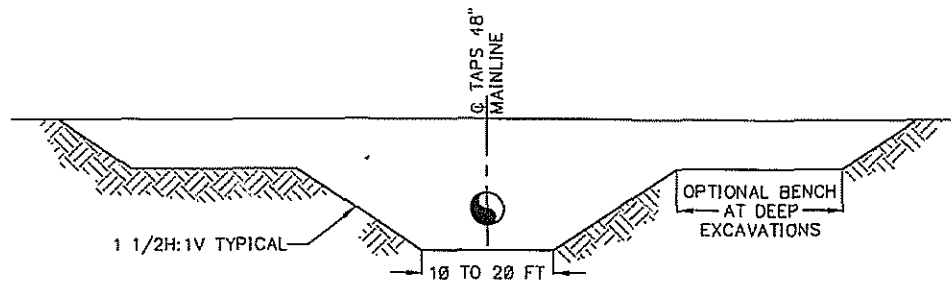
DATE: 6-8-10

A-00-PER27830

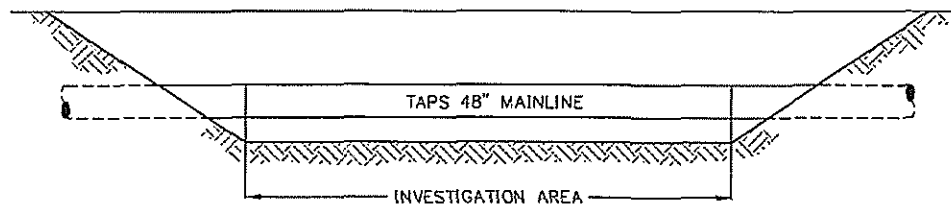
REV. 0 DWN. GSH CKD. PWK APPR. JAN

SCALE: AS NOTED

SHEET -- OF --



SECTION



PROFILE



SCALE 1"=20'

				ALYESKA PIPELINE SERVICE CO.	
F678 – 2010 PIPELINE ILI PIG INVESTIGATIONS TYPICAL EXCAVATION				TRANS ALASKA PIPELINE SYSTEM	
				DATE: 6-8-10	A-00-F678-C2
REV. 0	DWN. GSH	CKD. PWK	APPR. JAN	SCALE: 1"=20'	SHEET --- OF ---